

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JESUS C GARCIA,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. C-07-340

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT**

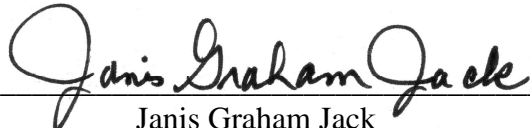
On January 15, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 15) be granted and that petitioner's motion for summary judgment (D.E. 18) be denied. The Memorandum and Recommendation further recommended that a certificate of appealability be denied. On January 24, 2008, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted, petitioner's motion for summary judgment is denied, and petitioner's petition for a writ of habeas corpus is dismissed. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 12th day of February, 2008.



Janis Graham Jack
United States District Judge